

109TH CONGRESS
1ST SESSION

H. R. 889

AN ACT

To authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes.

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To authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Coast Guard and Mari-
3 time Transportation Act of 2005”.

4 SEC. 2. TABLE OF CONTENTS.

5 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

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- Sec. 101. Authorization of appropriations.
- Sec. 102. Authorized levels of military strength and training.
- Sec. 103. Authorization of funding related to Hurricane Katrina.

TITLE II—COAST GUARD

- Sec. 201. Extension of Coast Guard vessel anchorage and movement authority.
- Sec. 202. International training and technical assistance.
- Sec. 203. Officer promotion.
- Sec. 204. Coast Guard band director.
- Sec. 205. Authority for one-step turnkey design-build contracting.
- Sec. 206. Reserve recall authority.
- Sec. 207. Reserve officer distribution.
- Sec. 208. Expansion of use of auxiliary equipment to support coast guard mis-
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- Sec. 209. Coast Guard history fellowships.
- Sec. 210. Icebreaker operation and maintenance plan.
- Sec. 211. Operation as a service in the Navy.
- Sec. 212. Commendation, recognition, and thanks for Coast Guard personnel.
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- Sec. 214. Report on personnel, assets, and expenses.
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TITLE III—SHIPPING AND NAVIGATION

- Sec. 301. Treatment of ferries as passenger vessels.
- Sec. 302. Great Lakes pilotage annual ratemaking.
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- Sec. 402. Authorization of junior reserve officers training program pilot pro-
gram.
- Sec. 403. Transfer.
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- Sec. 406. Training of cadets at United States Merchant Marine Academy.
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- Sec. 408. Conveyance of decommissioned Coast Guard Cutter MACKINAW.
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- Sec. 417. Assessment and planning.
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- Sec. 420. Temporary authorization to extend the duration of licenses, certificates of registry, and merchant mariners' documents.
- Sec. 421. Temporary authorization to extend the duration of vessel certificates of inspection.
- Sec. 422. Temporary center for processing of for licenses, certificates of registry, and merchant mariners' documents.
- Sec. 423. Determination of navigational impact.
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- Sec. 425. Citizenship and naval reserve requirements.
- Sec. 426. Eligibility to participate in western Alaska community development quota program.
- Sec. 427. Quota share allocation.
- Sec. 428. Acquisition of maritime refueling support vessel for United States drug interdiction efforts in the Eastern Pacific Maritime Transit Zone.
- Sec. 429. Voyage data recorder requirements.

TITLE V—LIGHTHOUSES

- Sec. 501. Transfer.
- Sec. 502. Misty Fiords National Monument and Wilderness.
- Sec. 503. Cape St. Elias light station.
- Sec. 504. Inclusion of lighthouse in St. Marks National Wildlife Refuge, Florida.

TITLE VI—RESPONSE

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- Sec. 602. Requirement to notify Coast Guard of release of objects into the navigable waters of the United States.
- Sec. 603. Limits on liability.
- Sec. 604. Requirement to update Philadelphia area contingency plan.
- Sec. 605. Submerged oil removal.
- Sec. 606. Delaware River and Bay Oil Spill Advisory Committee.
- Sec. 607. Maritime fire and safety activities.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 2006 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard, \$5,586,400,000, of which \$24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$1,903,821,000, of which—

(A) \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990), to remain available until expended;

(B) \$1,316,300,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that

1 constitute the Integrated Deepwater Systems;
2 and

3 (C) \$284,369,000 is authorized for
4 sustainment of legacy vessels and aircraft, in-
5 cluding equipment related thereto, and other
6 activities that constitute the Integrated Deep-
7 water Systems.

8 (3) To the Commandant of the Coast Guard for
9 research, development, test, and evaluation of tech-
10 nologies, materials, and human factors directly relat-
11 ing to improving the performance of the Coast
12 Guard's mission in search and rescue, aids to navi-
13 gation, marine safety, marine environmental protec-
14 tion, enforcement of laws and treaties, ice oper-
15 ations, oceanographic research, and defense readi-
16 ness, \$24,000,000, to remain available until ex-
17 pended, of which \$3,500,000 shall be derived from
18 the Oil Spill Liability Trust Fund to carry out the
19 purposes of section 1012(a)(5) of the Oil Pollution
20 Act of 1990.

21 (4) For retired pay (including the payment of
22 obligations otherwise chargeable to lapsed appropria-
23 tions for this purpose), payments under the Retired
24 Serviceman's Family Protection and Survivor Ben-
25 efit Plans, and payments for medical care of retired

1 personnel and their dependents under chapter 55 of
2 title 10, United States Code, \$1,014,080,000, to re-
3 main available until expended.

4 (5) For alteration or removal of bridges over
5 navigable waters of the United States constituting
6 obstructions to navigation, and for personnel and
7 administrative costs associated with the Bridge Al-
8 teration Program, \$35,900,000.

9 (6) For environmental compliance and restora-
10 tion at Coast Guard facilities (other than parts and
11 equipment associated with operation and mainte-
12 nance), \$12,000,000, to remain available until ex-
13 pended.

14 (7) For the Coast Guard Reserve program, in-
15 cluding personnel and training costs, equipment, and
16 services, \$119,000,000.

17 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
18 **AND TRAINING.**

19 (a) ACTIVE DUTY STRENGTH.—The Coast Guard is
20 authorized an end-of-year strength for active duty per-
21 sonnel of 45,500 for the years ending on September 30,
22 2005, and September 30, 2006.

23 (b) MILITARY TRAINING STUDENT LOADS.—The
24 Coast Guard is authorized average military training stu-
25 dent loads as follows:

1 (1) For recruit and special training for fiscal
2 year 2006, 2,500 student years.

3 (2) For flight training for fiscal year 2006, 125
4 student years.

5 (3) For professional training in military and ci-
6 vilian institutions for fiscal year 2006, 350 student
7 years.

8 (4) For officer acquisition for fiscal year 2006,
9 1,200 student years.

10 **SEC. 103. AUTHORIZATION OF FUNDING RELATED TO HUR-**
11 **RICANE KATRINA.**

12 There is authorized to be appropriated for fiscal year
13 2005 for the operation and maintenance of the Coast
14 Guard, in addition to the amounts authorized for that fis-
15 cal year by section 101(1) of the Coast Guard and Mari-
16 time Transportation Act of 2004 (118 Stat. 1030),
17 \$60,000,000 for emergency hurricane expenses, emer-
18 gency repairs, and deployment of personnel, to support
19 costs of evacuation, and for other costs resulting from im-
20 mediate relief efforts related to Hurricane Katrina.

21 **TITLE II—COAST GUARD**

22 **SEC. 201. EXTENSION OF COAST GUARD VESSEL ANCHOR-**
23 **AGE AND MOVEMENT AUTHORITY.**

24 Section 91 of title 14, United States Code, is amend-
25 ed by adding at the end the following new subsection:

1 “(d) As used in this section ‘navigable waters of the
2 United States’ includes all waters of the territorial sea of
3 the United States as described in Presidential Proclama-
4 tion No. 5928 of December 27, 1988.”.

5 **SEC. 202. INTERNATIONAL TRAINING AND TECHNICAL AS-**
6 **SISTANCE.**

7 (a) IN GENERAL.—Section 149 of title 14, United
8 States Code, is amended—

9 (1) by amending the section heading to read as
10 follows:

11 **“§ 149. Assistance to foreign governments and mari-**
12 **time authorities”;**

13 (2) by inserting before the existing undesig-
14 nated text the following new subsection designation
15 and heading: “(a) DETAIL OF MEMBERS TO ASSIST
16 FOREIGN GOVERNMENTS.—”; and

17 (3) by adding at the end the following new sub-
18 section:

19 “(b) TECHNICAL ASSISTANCE TO FOREIGN MARI-
20 TIME AUTHORITIES.—The Commandant, in coordination
21 with the Secretary of State, may, in conjunction with reg-
22 ular Coast Guard operations, provide technical assistance,
23 including law enforcement and maritime safety and secu-
24 rity training, to foreign navies, coast guards, and other
25 maritime authorities.”.

1 (b) CLERICAL AMENDMENT.—The item related to
 2 such section in the analysis at the beginning of chapter
 3 7 of title 14, United States Code, is amended to read as
 4 follows:

“149. Assistance to foreign governments and maritime authorities.”.

5 **SEC. 203. OFFICER PROMOTION.**

6 Section 257 of title 14, United States Code, is
 7 amended by adding at the end the following new sub-
 8 section:

9 “(f) The Secretary may waive subsection (a) of this
 10 section to the extent necessary to allow officers described
 11 therein to have at least two opportunities for consideration
 12 for promotion to the next higher grade as officers below
 13 the promotion zone.”.

14 **SEC. 204. COAST GUARD BAND DIRECTOR.**

15 (a) BAND DIRECTOR APPOINTMENT AND GRADE.—
 16 Section 336 of title 14, United States Code, is amended—

17 (1) in subsection (b)—

18 (A) by amending the first sentence to read
 19 as follows: “The Secretary may designate as the
 20 director any individual determined by the Sec-
 21 retary to possess the necessary qualifications.”;
 22 and

23 (B) in the second sentence, by striking “a
 24 member so designated” and inserting “an indi-
 25 vidual so designated”;

1 (2) in subsection (c)—

2 (A) by striking “of a member” and insert-
3 ing “of an individual”; and

4 (B) by striking “of lieutenant (junior
5 grade) or lieutenant” and inserting “determined
6 by the Secretary to be most appropriate to the
7 qualifications and experience of the appointed
8 individual”;

9 (3) in subsection (d), by striking “A member”
10 and inserting “An individual”; and

11 (4) in subsection (e)—

12 (A) by striking “When a member’s des-
13 ignation is revoked,” and inserting “When an
14 individual’s designation is revoked,”; and

15 (B) by striking “option:” and inserting
16 “option—”.

17 (b) CURRENT DIRECTOR.—The individual serving as
18 Coast Guard band director on the date of the enactment
19 of this Act may be immediately promoted to a commis-
20 sioned grade, not to exceed captain, determined by the
21 Secretary to be most appropriate to the qualifications and
22 experience of that individual.

1 **SEC. 205. AUTHORITY FOR ONE-STEP TURNKEY DESIGN-**
2 **BUILD CONTRACTING.**

3 (a) IN GENERAL.—Chapter 17 of title 14, United
4 States Code, is amended by adding at the end the fol-
5 lowing new section:

6 **“§ 677. Turnkey selection procedures**

7 “(a) AUTHORITY TO USE.—The Secretary may use
8 one-step turnkey selection procedures for the purpose of
9 entering into contracts for construction projects.

10 “(b) DEFINITIONS.—In this section:

11 “(1) The term ‘one-step turn-key selection pro-
12 cedures’ means procedures used for the selection of
13 a contractor on the basis of price and other evalua-
14 tion criteria to perform, in accordance with the pro-
15 visions of a firm fixed-price contract, both the design
16 and construction of a facility using performance
17 specifications supplied by the Secretary.

18 “(2) The term ‘construction’ includes the con-
19 struction, procurement, development, conversion, or
20 extension, of any facility.

21 “(3) The term ‘facility’ means a building, struc-
22 ture, or other improvement to real property.”.

23 (b) CLERICAL AMENDMENT.—The analysis at the be-
24 ginning of such chapter is amended by inserting after the
25 item relating to section 676 the following:

“677. Turnkey selection procedures.”.

1 **SEC. 206. RESERVE RECALL AUTHORITY.**

2 Section 712(a) of title 14, United States Code, is
3 amended—

4 (1) by inserting “, or to aid in prevention of an
5 imminent,” after “during”;

6 (2) by striking “or” before “catastrophe”;

7 (3) by inserting “, act of terrorism as defined
8 in section 2(15) of the Homeland Security Act of
9 2002 (6 U.S.C. 101(15)), or transportation security
10 incident as defined in section 70101 of title 46”
11 after “catastrophe”;

12 (4) by striking “thirty days in any four-month
13 period” and inserting “60 days in any 4-month pe-
14 riod”; and

15 (5) by striking “sixty days in any two-year pe-
16 riod” and inserting “120 days in any 2-year period”.

17 **SEC. 207. RESERVE OFFICER DISTRIBUTION.**

18 Section 724 of title 14, United States Code, is
19 amended—

20 (1) in subsection (a), by inserting after the first
21 sentence the following: “Reserve officers on an ac-
22 tive-duty list shall not be counted as part of the au-
23 thorized number of officers in the Reserve.”; and

24 (2) in subsection (b), by striking so much as
25 precedes paragraph (2) and inserting the following:

1 “(b)(1) The Secretary shall, at least once each year,
 2 make a computation to determine the number of Reserve
 3 officers in an active status authorized to be serving in each
 4 grade. The number in each grade shall be computed by
 5 applying the applicable percentage to the total number of
 6 such officers serving in an active status on the date the
 7 computation is made. The number of Reserve officers in
 8 an active status below the grade of rear admiral (lower
 9 half) shall be distributed by pay grade so as not to exceed
 10 percentages of commissioned officers authorized by section
 11 42(b) of this title. When the actual number of Reserve
 12 officers in an active status in a particular pay grade is
 13 less than the maximum percentage authorized, the dif-
 14 ference may be applied to the number in the next lower
 15 grade. A Reserve officer may not be reduced in rank or
 16 grade solely because of a reduction in an authorized num-
 17 ber as provided for in this subsection, or because an excess
 18 results directly from the operation of law.”.

19 **SEC. 208. EXPANSION OF USE OF AUXILIARY EQUIPMENT**
 20 **TO SUPPORT COAST GUARD MISSIONS.**

21 (a) USE OF MOTORIZED VEHICLES.—Section 826 of
 22 title 14, United States Code, is amended—

23 (1) by designating the existing undesignated
 24 text as subsection (a); and

1 (2) by adding at the end the following new sub-
2 section:

3 “(b) The Coast Guard may utilize to carry out its
4 functions and duties as authorized by the Secretary any
5 motorized vehicle placed at its disposition by any member
6 of the Auxiliary, by any corporation, partnership, or asso-
7 ciation, or by any State or political subdivision thereof,
8 to tow Federal Government property.”.

9 (b) APPROPRIATIONS FOR FACILITIES.—Section
10 830(a) of title 14, United States Code, is amended by
11 striking “or radio station” and inserting “radio station,
12 or motorized vehicle” each place it appears.

13 **SEC. 209. COAST GUARD HISTORY FELLOWSHIPS.**

14 (a) FELLOWSHIPS AUTHORIZED.—Chapter 9 of title
15 14, United States Code, is amended by adding at the end
16 the following:

17 **“§ 197. Coast Guard history fellowships**

18 “(a) FELLOWSHIPS.—The Commandant of the Coast
19 Guard shall prescribe regulations under which the Com-
20 mandant may award fellowships in Coast Guard history
21 to individuals who are eligible under subsection (b).

22 “(b) ELIGIBLE INDIVIDUALS.—An individual shall be
23 eligible under this subsection if the individual is a citizen
24 or national of the United States and—

1 “(1) is a graduate student in United States his-
2 tory;

3 “(2) has completed all requirements for a doc-
4 toral degree other than preparation of a dissertation;
5 and

6 “(3) agrees to prepare a dissertation in a sub-
7 ject area of Coast Guard history determined by the
8 Commandant.

9 “(c) REGULATIONS.—The regulations prescribed
10 under this section shall include—

11 “(1) the criteria for award of fellowships;

12 “(2) the procedures for selecting recipients of
13 fellowships;

14 “(3) the basis for determining the amount of a
15 fellowship; and

16 “(4) subject to the availability of appropria-
17 tions, the total amount that may be awarded as fel-
18 lowships during an academic year.”.

19 (b) CLERICAL AMENDMENT.—The analysis at the be-
20 ginning of such chapter is amended by adding at the end
21 the following:

“197. Coast Guard history fellowships.”.

22 **SEC. 210. ICEBREAKER OPERATION AND MAINTENANCE**
23 **PLAN.**

24 The Secretary of the department in which the Coast
25 Guard is operating shall—

1 (1) by not later than 90 days after the date of
2 the enactment of this Act, submit to the Committee
3 on Transportation and Infrastructure of the House
4 of Representatives and the Committee on Commerce,
5 Science, and Transportation of the Senate a plan for
6 operation and maintenance of Coast Guard ice-
7 breakers in the waters of Antarctica after fiscal year
8 2006 that does not rely on the transfer of funds to
9 the Coast Guard by any other Federal agency; and
10 (2) subject to the availability of appropriations,
11 implement the plan in fiscal years after fiscal year
12 2006.

13 **SEC. 211. OPERATION AS A SERVICE IN THE NAVY.**

14 Section 3 of title 14, United States Code, is amended
15 by striking “Upon the declaration of war or when” and
16 inserting “When”.

17 **SEC. 212. COMMENDATION, RECOGNITION, AND THANKS**
18 **FOR COAST GUARD PERSONNEL.**

19 (a) FINDINGS.—The Congress finds the following:

20 (1) On August 29, 2005, Hurricane Katrina
21 struck the Gulf of Mexico coastal region of Lou-
22 isiana, Mississippi, and Alabama, causing the worst
23 natural disaster in United States history.

1 (2) The response to such hurricane by members
2 and employees of the Coast Guard has been imme-
3 diate, invaluable, and courageous.

4 (3) Members and employees of the Coast
5 Guard—

6 (A) have shown great leadership in helping
7 to coordinate relief efforts with respect to Hur-
8 ricane Katrina;

9 (B) have used their expertise and special-
10 ized skills to provide immediate assistance to
11 victims and survivors of the hurricane; and

12 (C) have set up remote assistance oper-
13 ations in the affected areas in order to best pro-
14 vide service to Gulf of Mexico coastal region.

15 (4) Members of the Coast Guard have volun-
16 teered their unique resources to assess the situation
17 and deliver aid when and where other relief efforts
18 could not.

19 (5) Members of the Coast Guard have dem-
20 onstrated their resolve and character by providing
21 aid to Hurricane Katrina victims and survivors.

22 (6) Members and employees of the Coast Guard
23 have worked together to bring clean water, food, and
24 resources to victims and survivors in need.

1 (b) COMMENDATION, RECOGNITION, AND THANKS.—

2 The Congress—

3 (1) commends the outstanding efforts in re-
4 sponse to Hurricane Katrina by members and em-
5 ployees of the Coast Guard;

6 (2) recognizes that the actions of these individ-
7 uals went above and beyond the call of duty; and

8 (3) thanks them for their continued dedication
9 and service.

10 **SEC. 213. HOMEOWNERS ASSISTANCE FOR COAST GUARD**

11 **PERSONNEL AFFECTED BY HURRICANE**

12 **KATRINA.**

13 (a) IN GENERAL.—Notwithstanding any other provi-
14 sion of law, the Secretary of the department in which the
15 Coast Guard is operating may reimburse a person who is
16 eligible under subsection (b) for reimbursement under this
17 section, for losses of qualified property owned by such per-
18 son that result from damage caused by Hurricane
19 Katrina.

20 (b) ELIGIBLE PERSONS.—A person is eligible for re-
21 imbursement under this section if the person is a civilian
22 employee of the Federal Government or member of the
23 uniformed services who—

24 (1) was assigned to, or employed at or in con-
25 nection with, a Coast Guard facility located in the

1 State of Louisiana, Mississippi, or Alabama on or
2 before August 28, 2005;

3 (2) incident to such assignment or employment,
4 owned and occupied property that is qualified prop-
5 erty under subsection (e); and

6 (3) as a result of the effects of Hurricane
7 Katrina, incurred damage to such qualified property
8 such that—

9 (A) the qualified property is unsalable (as
10 determined by the Secretary); and

11 (B) the proceeds, if any, of insurance for
12 such damage are less than an amount equal to
13 the greater of—

14 (i) the fair market value of the quali-
15 fied property on August 28, 2005 (as de-
16 termined by the Secretary); or

17 (ii) the outstanding mortgage, if any,
18 on the qualified property on that date.

19 (c) REIMBURSEMENT AMOUNT.—The amount of the
20 reimbursement that an eligible person may be paid under
21 this section with respect to a qualified property shall be
22 determined as follows:

23 (1) In the case of qualified property that is a
24 dwelling or condominium unit, the amount shall
25 be—

1 (A) the amount equal to the greater of—

2 (i) 85 percent of the fair market value
3 of the dwelling or condominium unit on
4 August 28, 2005 (as determined by the
5 Secretary), or

6 (ii) the outstanding mortgage, if any,
7 on the dwelling or condominium unit on
8 that date; minus

9 (B) the proceeds, if any, of insurance re-
10 ferred to in subsection (b)(3)(B).

11 (2) In the case of qualified property that is a
12 manufactured home, the amount shall be—

13 (A) if the owner also owns the real prop-
14 erty underlying such home, the amount deter-
15 mined under paragraph (1); or

16 (B) if the owner leases such underlying
17 property—

18 (i) the amount determined under
19 paragraph (1); plus

20 (ii) the amount of rent payable under
21 the lease of such property for the period
22 beginning on August 28, 2005, and ending
23 on the date of the reimbursement under
24 this section.

25 (d) TRANSFER AND DISPOSAL OF PROPERTY.—

1 (1) IN GENERAL.—An owner receiving reim-
2 bursement under this section shall transfer to the
3 Secretary all right, title, and interest of the owner
4 in the qualified property for which the owner re-
5 ceives such reimbursement. The Secretary shall hold,
6 manage, and dispose of such qualified property in
7 the same manner that the Secretary of Defense
8 holds, manages, and disposes of real property under
9 section 1013 of the Demonstration Cities and Metro-
10 politan Development Act of 1966 (42 U.S.C. 3374).

11 (2) TREATMENT OF PROCEEDS.—Any amounts
12 received by the United States as proceeds of man-
13 agement or disposal of property by the Secretary
14 under this subsection shall be deposited in the gen-
15 eral fund of the Treasury as offsetting receipts of
16 the department in which the Coast Guard is oper-
17 ating and ascribed to Coast Guard activities.

18 (e) QUALIFIED PROPERTY.—Property is qualified
19 property for the purposes of this section if as of August
20 28, 2005, the property was a one- or two-family dwelling,
21 manufactured home, or condominium unit in the State of
22 Louisiana, Mississippi, or Alabama that is owned and oc-
23 cupied, as a principal residence, by a person who is eligible
24 under subsection (b).

1 (f) SUBJECT TO APPROPRIATIONS.—The authority to
2 pay reimbursement under this section is subject to the
3 availability of appropriations.

4 **SEC. 214. REPORT ON PERSONNEL, ASSETS, AND EXPENSES.**

5 Not later than September 15, 2005, and at least once
6 every month thereafter through January 2006, the Com-
7 mandant of the Coast Guard shall report to the Committee
8 on Transportation and Infrastructure of the House of
9 Representatives and the Committee on Commerce,
10 Science, and Transportation of the Senate regarding the
11 personnel and assets deployed to assist in the response to
12 Hurricane Katrina and the costs incurred as a result of
13 such response that are in addition to funds already appro-
14 priated for the Coast Guard for fiscal year 2005.

15 **SEC. 215. LIMITATION ON MOVING ASSETS TO ST. ELIZA-**
16 **BETHS HOSPITAL.**

17 The Commandant of the Coast Guard may not move
18 any Coast Guard personnel, property, or other assets to
19 the West Campus of St. Elizabeths Hospital until the Ad-
20 ministrator of General Services submits to the Committee
21 on Transportation and Infrastructure of the House of
22 Representatives and the Committee on Commerce,
23 Science, and Transportation and the Committee on Envi-
24 ronment and Public Works of the Senate plans—

1 (1) to provide road access to the site from
2 Interstate Route 295; and

3 (2) for the design of facilities for at least one
4 Federal agency other than the Coast Guard that
5 would house no less than 2,000 employees at such
6 location.

7 **TITLE III—SHIPPING AND** 8 **NAVIGATION**

9 **SEC. 301. TREATMENT OF FERRIES AS PASSENGER VES-** 10 **SELS.**

11 (a) FERRY DEFINED.—Section 2101 of title 46,
12 United States Code, is amended by inserting after para-
13 graph (10a) the following:

14 “(10b) ‘ferry’ means a vessel that is used on a
15 regular schedule—

16 “(A) to provide transportation only be-
17 tween places that are not more than 300 miles
18 apart, and

19 “(B) to transport only—

20 “(i) passengers, or

21 “(ii) vehicles, or railroad cars, that
22 are being used, or have been used, in
23 transporting passengers or goods.”.

1 (b) PASSENGER VESSELS THAT ARE FERRIES.—Sec-
2 tion 2101(22) of title 46, United States Code, is amend-
3 ed—

4 (1) by striking “or” after the semicolon at the
5 end of subparagraph (B);

6 (2) by striking the period at the end of sub-
7 paragraph (C) and inserting “; or”; and

8 (3) by adding at the end the following:

9 “(D) that is a ferry carrying a pas-
10 senger.”.

11 (c) SMALL PASSENGER VESSELS THAT ARE FER-
12 RIES.—Section 2101(35) of title 46, United States Code,
13 is amended—

14 (1) by striking “or” after the semicolon at the
15 end of subparagraph (C);

16 (2) by striking the period at the end of sub-
17 paragraph (D) and inserting “; or”; and

18 (3) by adding at the end the following:

19 “(E) that is a ferry carrying more than 6
20 passengers.”.

21 **SEC. 302. GREAT LAKES PILOTAGE ANNUAL RATEMAKING.**

22 Section 9303 of title 46, United States Code, is
23 amended—

24 (1) in subsection (f) by striking “The” and in-
25 serting “Before March 1 of each year, the”; and

1 (2) by adding at the end the following:

2 “(g) The Secretary shall ensure that the number of
3 full-time equivalent employees assigned to carry out this
4 section is not less than 4.”.

5 **SEC. 303. CERTIFICATION OF VESSEL NATIONALITY IN**
6 **DRUG SMUGGLING CASES.**

7 Section 3(c)(2) of the Maritime Drug Law Enforce-
8 ment Act (46 U.S.C. App. 1903(c)(2)) is amended in the
9 matter following subparagraph (C) by striking “denial of
10 such claim of registry” and inserting “response”.

11 **SEC. 304. LNG TANKERS.**

12 (a) PROGRAM.—The Secretary of Transportation
13 shall develop and implement a program to promote the
14 transportation of liquefied natural gas to the United
15 States on United States-flag vessels.

16 (b) AMENDMENT TO DEEPWATER PORT ACT.—Sec-
17 tion 4 of the Deepwater Port Act of 1974 (33 U.S.C.
18 1503) is amended by adding at the end the following:

19 “(i) To promote the security of the United States,
20 the Secretary shall give top priority to the processing of
21 a license under this Act for liquefied natural gas facilities
22 that will be supplied with liquefied natural gas by United
23 States flag-vessels.”.

24 (c) REPORT.—Within 6 months after the date of the
25 enactment of this Act, the Secretary shall submit a report

1 to the Committee on Transportation and Infrastructure
 2 of the House of Representatives and the Committee on
 3 Commerce, Science, and Transportation of the Senate on
 4 the implementation of this section.

5 **TITLE IV—MISCELLANEOUS**

6 **SEC. 401. TECHNICAL CORRECTIONS.**

7 (a) REQUIREMENTS FOR COOPERATIVE AGREE-
 8 MENTS FOR VOLUNTARY SERVICES.—Section 93(a)(19) of
 9 title 14, United States Code, as amended by section 201
 10 of the Coast Guard and Maritime Transportation Act of
 11 2004 (Public Law 108–293; 118 Stat. 1031), is amended
 12 by redesignating subparagraphs (1) and (2) in order as
 13 subparagraphs (A) and (B).

14 (b) CORRECTION OF AMENDMENT TO CHAPTER
 15 ANALYSIS.—Section 212(b) of the Coast Guard and Mari-
 16 time Transportation Act of 2004 (Public Law 108–293;
 17 118 Stat. 1037) is amended by inserting “of title 14”
 18 after “chapter 17”.

19 (c) RECOMMENDATIONS TO CONGRESS BY COM-
 20 MANDANT OF THE COAST GUARD.—Section 93(a) of title
 21 14, United States Code, as amended by sections 201 and
 22 217 of the Coast Guard and Maritime Transportation Act
 23 of 2004 (Public Law 108–293; 118 Stat. 1031, 1038), is
 24 amended by redesignating paragraph (y) as paragraph
 25 (24).

1 (d) CORRECTION OF REFERENCE TO PORTS AND WA-
2 TERWAYS SAFETY ACT.—Section 302 of the Coast Guard
3 and Maritime Transportation Act of 2004 (Public Law
4 108–293; 118 Stat. 1041) is amended by striking “of
5 1972”.

6 (e) TECHNICAL CORRECTION OF PENALTY.—Section
7 4311(b) of title 46, United States Code, as amended by
8 section 406 of the Coast Guard and Maritime Transpor-
9 tation Act of 2004 (Public Law 108–293; 118 Stat. 1043),
10 is amended by striking “4307(a)of” and inserting
11 “4307(a) of”.

12 (f) DETERMINING ADEQUACY OF POTABLE
13 WATER.—Section 3305(a) of title 46, United States Code,
14 as amended by section 416(b)(3) of the Coast Guard and
15 Maritime Transportation Act of 2004 (Public Law 108–
16 293; 118 Stat. 1047), is amended by moving paragraph
17 (2) two ems to the left, so that the material preceding
18 subparagraph (A) of such paragraph aligns with the left-
19 hand margin of paragraph (1) of such section.

20 (g) RENEWAL OF ADVISORY GROUP.—Section 418(a)
21 of the Coast Guard and Maritime Transportation Act of
22 2004 (Public Law 108–293; 118 Stat. 1049) is amended
23 by striking “of September 30, 2005” and inserting “on
24 September 30, 2005”.

1 (h) TECHNICAL CORRECTIONS RELATING TO REF-
2 ERENCES TO NATIONAL DRIVER REGISTER.—

3 (1) AMENDMENT INSTRUCTION.—Section
4 609(1) of the Coast Guard and Maritime Transpor-
5 tation Act of 2004 (Public Law 108–293; 118 Stat.
6 1058) is amended in the matter preceding subpara-
7 graph (A) by striking “7302” and inserting
8 “7302(c)”.

9 (2) OMITTED WORD.—Section 7302(c) of title
10 46, United States Code, as amended by section
11 609(1) of the Coast Guard and Maritime Transpor-
12 tation Act of 2004 (Public Law 108–293; 118 Stat.
13 1058), is amended—

14 (A) by inserting “section” before
15 “30305(b)(5)”; and

16 (B) by inserting “section” before
17 “30304(a)(3)(A)”.

18 (3) EXTRANEOUS U.S.C. REFERENCE.—Section
19 7703(3) of title 46, United States Code, as amended
20 by section 609(3) of the Coast Guard and Maritime
21 Transportation Act of 2004 (Public Law 108–293;
22 118 Stat. 1058), is amended by striking “(23 U.S.C.
23 401 note)”.

24 (i) VESSEL RESPONSE PLANS FOR NONTANK VES-
25 SELS.—

1 (1) CORRECTION OF VESSEL REFERENCES.—
2 Section 311 of the Federal Water Pollution Control
3 Act (33 U.S.C. 1321), as amended by section 701
4 of the Coast Guard and Maritime Transportation
5 Act of 2004 (Public Law 108–293; 118 Stat. 1067),
6 is amended by striking “non-tank” each place it ap-
7 pears and inserting “nontank”.

8 (2) PUNCTUATION ERROR.—Section 701(b)(9)
9 of the Coast Guard and Maritime Transportation
10 Act of 2004 (Public Law 108–293; 118 Stat. 1068)
11 is amended by inserting close quotation marks after
12 “each tank vessel”.

13 (j) PUNCTUATION ERROR.—Section 5006(c) of the
14 Oil Pollution Act of 1990 (33 U.S.C. 2736(c)), as amend-
15 ed by section 704(1) of the Coast Guard and Maritime
16 Transportation Act of 2004 (Public Law 108–293; 118
17 Stat. 1075), is amended by inserting a comma after “Oc-
18 tober 1, 2012”.

19 (k) CORRECTION TO SUBTITLE DESIGNATION.—

20 (1) REDESIGNATION.—Title 46, United States
21 Code, is amended by redesignating subtitle VI as
22 subtitle VII.

23 (2) CLERICAL AMENDMENT.—The table of sub-
24 titles at the beginning of title 46, United States

1 Code, is amended by striking the item relating to
 2 subtitle VI and inserting the following:

“VII. MISCELLANEOUS 70101”.

3 (l) CORRECTIONS TO CHAPTER 701 OF TITLE 46,
 4 UNITED STATES CODE.—Chapter 701 of title 46, United
 5 States Code, is amended as follows:

6 (1) Sections 70118 and 70119, as added by
 7 section 801 of the Coast Guard and Maritime
 8 Transportation Act of 2004 (Public Law 108–293;
 9 118 Stat. 1078), are redesignated as sections 70117
 10 and 70118, respectively, and moved to appear imme-
 11 diately after section 70116 of title 46, United States
 12 Code.

13 (2) Sections 70117 and 70118, as added by
 14 section 802 of such Act (Public Law 108–293; 118
 15 Stat. 1078), are redesignated as sections 70120 and
 16 70121, respectively, and moved to appear imme-
 17 diately after section 70119 of title 46, United States
 18 Code.

19 (3) In section 70120(a), as redesignated by
 20 paragraph (2) of this section, by striking “section
 21 70120” and inserting “section 70119”.

22 (4) In section 70121(a), as redesignated by
 23 paragraph (2) of this section, by striking “section
 24 70120” and inserting “section 70119”.

1 (5) In the analysis at the beginning of the
 2 chapter, by striking the items relating to sections
 3 70117 through the second 70119 and inserting the
 4 following:

“70117. Firearms, arrests, and seizure of property.
 “70118. Enforcement by State and local officers.
 “70119. Civil penalty.
 “70120. In rem liability for civil penalties and certain costs.
 “70121. Withholding of clearance.”.

5 (m) AREA MARITIME SECURITY ADVISORY COMMIT-
 6 TEES; MARGIN ALIGNMENT.—Section 70112(b) of title
 7 46, United States Code, as amended by section 806 of the
 8 Coast Guard and Maritime Transportation Act of 2004
 9 (Public Law 108–293; 118 Stat. 1082), is amended by
 10 moving paragraph (5) two ems to the left, so that the left-
 11 hand margin of paragraph (5) aligns with the left-hand
 12 margin of paragraph (4) of such section.

13 (n) TECHNICAL CORRECTION REGARDING TANK
 14 VESSEL ENVIRONMENTAL EQUIVALENCY EVALUATION
 15 INDEX.—Section 4115(e)(3) of the Oil Pollution Act of
 16 1990 (46 U.S.C. 3703a note) is amended by striking
 17 “hull” the second place it appears.

18 (o) EFFECTIVE DATE.—This section shall take effect
 19 August 9, 2004.

20 **SEC. 402. AUTHORIZATION OF JUNIOR RESERVE OFFICERS**
 21 **TRAINING PROGRAM PILOT PROGRAM.**

22 (a) IN GENERAL.—The Secretary of the department
 23 in which the Coast Guard is operating (in this section re-

ferred to as the “Secretary”) may carry out a pilot program to establish and maintain a junior reserve officers training program in cooperation with the Camden County High School in Camden County, North Carolina.

(b) PROGRAM REQUIREMENTS.—A pilot program carried out by the Secretary under this section shall provide to students at Camden County High School—

(1) instruction in subject areas relating to operations of the Coast Guard; and

(2) training in skills which are useful and appropriate for a career in the Coast Guard.

(c) PROVISION OF ADDITIONAL SUPPORT.—To carry out a pilot program under this section, the Secretary may provide to Camden County High School—

(1) assistance in course development, instruction, and other support activities;

(2) commissioned, warrant, and petty officers of the Coast Guard to serve as administrators and instructors; and

(3) necessary and appropriate course materials, equipment, and uniforms.

(d) EMPLOYMENT OF RETIRED COAST GUARD PERSONNEL.—

(1) IN GENERAL.—Subject to paragraph (2) of this subsection, the Secretary may authorize the

1 Camden County High School to employ as adminis-
2 trators and instructors for the pilot program retired
3 Coast Guard and Coast Guard Reserve commis-
4 sioned, warrant, and petty officers who request that
5 employment and who are approved by the Secretary
6 and Camden County High School.

7 (2) AUTHORIZED PAY.—

8 (A) IN GENERAL.—Retired members em-
9 ployed under paragraph (1) of this subsection
10 are entitled to receive their retired or retainer
11 pay and an additional amount of not more than
12 the difference between—

13 (i) the amount the individual would be
14 paid as pay and allowance if they were
15 considered to have been ordered to active
16 duty during that period of employment;
17 and

18 (ii) the amount of retired pay the in-
19 dividual is entitled to receive during that
20 period.

21 (B) PAYMENT TO SCHOOL.—The Secretary
22 shall pay to Camden County High School an
23 amount equal to one half of the amount de-
24 scribed in subparagraph (A) of this paragraph,
25 from funds appropriated for that purpose.

1 (C) NOT DUTY OR DUTY TRAINING.—Not-
2 withstanding any other law, while employed
3 under this subsection, an individual is not con-
4 sidered to be on active duty or inactive duty
5 training.

6 **SEC. 403. TRANSFER.**

7 Section 602(b)(2) of the Coast Guard and Maritime
8 Transportation Act of 2004 (118 Stat. 1051) is amended
9 by striking “to be conveyed” and all that follows through
10 the period and inserting “to be conveyed to CAS Founda-
11 tion, Inc. (a nonprofit corporation under the laws of the
12 State of Indiana.”.

13 **SEC. 404. LONG-RANGE VESSEL TRACKING SYSTEM.**

14 (a) PILOT PROJECT.—Subject to the availability of
15 appropriations, the Secretary of the department in which
16 the Coast Guard is operating, acting through the Com-
17 mandant of the Coast Guard, shall conduct a pilot pro-
18 gram for long range tracking of up to 2,000 vessels using
19 satellite systems pursuant to section 70115 of title 46,
20 United States Code.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated to the Secretary of the de-
23 partment in which the Coast Guard is operating
24 \$4,000,000 for fiscal year 2006 to carry out the pilot pro-
25 gram authorized under subsection (a).

1 **SEC. 405. REPORTS.**

2 (a) ADEQUACY OF ASSETS.—The Commandant of
3 the Coast Guard shall review the adequacy of assets and
4 facilities described in subsection (b) to carry out the Coast
5 Guard’s missions, including search and rescue, illegal drug
6 and migrant interdiction, aids to navigation, ports, water-
7 ways and coastal security, marine environmental protec-
8 tion, and fisheries law enforcement. Not later than 180
9 days after the date of the enactment of this Act, the Com-
10 mandant shall submit a report to the Committee on
11 Transportation and Infrastructure of the House of Rep-
12 resentatives and the Committee on Commerce, Science,
13 and Transportation of the Senate that includes the find-
14 ings of that review and any recommendations to enhance
15 mission capabilities in those areas.

16 (b) AREAS OF REVIEW.—The report under sub-
17 section (a) shall provide information and recommendations
18 on the following assets:

19 (1) Coast Guard aircraft, including helicopters,
20 stationed at Air Station Detroit in the State of
21 Michigan.

22 (2) Coast Guard vessels and aircraft stationed
23 in the Commonwealth of Puerto Rico.

24 (3) Coast Guard vessels and aircraft stationed
25 in the State of Louisiana along the Lower Mis-

1 Mississippi River between the Port of New Orleans and
2 the Red River.

3 (4) Coast Guard vessels and aircraft stationed
4 in Coast Guard Sector Delaware Bay.

5 (5) Physical infrastructure at Boat Station
6 Cape May in the State of New Jersey.

7 (c) ADEQUACY OF ACTIVE DUTY STRENGTH.—The
8 Commandant of the Coast Guard shall review the ade-
9 quacy of the strength of active duty personnel authorized
10 under section 102(a) to carry out the Coast Guard’s mis-
11 sions, including search and rescue, illegal drug and mi-
12 grant interdiction, aids to navigation, ports, waterways
13 and coastal security, marine environmental protection, and
14 fisheries law enforcement. Not later than 180 days after
15 the date of the enactment of this Act, the Commandant
16 shall submit a report to the Committee on Transportation
17 and Infrastructure and the Committee on Homeland Secu-
18 rity of the House of Representatives and the Committee
19 on Commerce, Science, and Transportation of the Senate
20 that includes the findings of that review.

21 **SEC. 406. TRAINING OF CADETS AT UNITED STATES MER-**
22 **CHANT MARINE ACADEMY.**

23 Section 1303(f) of the Merchant Marine Act, 1936
24 (46 App. U.S.C. 1295b(f)) is amended—

1 (1) in paragraph (2) by striking “and” after
2 the semicolon at the end;

3 (2) in paragraph (3) by striking the period at
4 the end and inserting “; and”; and

5 (3) by adding at the end the following:

6 “(4) on any other vessel considered necessary or
7 appropriate or in the national interest.”.

8 **SEC. 407. MARINE CASUALTY INVESTIGATIONS STUDY.**

9 (a) **STUDY.**—Within 3 months after the date of en-
10 actment of this Act, the Commandant of the Coast Guard
11 shall enter into an agreement with National Institute for
12 Occupational Safety and Health for a study of the Coast
13 Guard marine casualty investigation program to examine
14 the extent to which marine casualty investigations and re-
15 ports—

16 (1) result in information and recommendations
17 that prevent similar casualties;

18 (2) minimize the effect of similar casualties,
19 given that it has occurred; and

20 (3) maximize lives saved in similar casualties,
21 given that the vessel has become uninhabitable.

22 (b) **INCLUDED ELEMENTS.**—To promote the safety
23 of all those who work on or travel by water and to protect
24 the marine environment, the study shall include consider-
25 ation of—

1 (1) the adequacy of resources devoted to marine
2 casualty investigations considering caseload, training
3 and experience of marine casualty investigators, and
4 duty assignment practices;

5 (2) investigation standards and methods, in-
6 cluding a comparison of the formal and informal in-
7 vestigation processes;

8 (3) use of best investigation practices consid-
9 ering transportation investigation practices used by
10 other Federal agencies and foreign governments, in-
11 cluding the British MAIB program;

12 (4) marine casualty data base management and
13 use of casualty data and information as an input to
14 marine casualty prevention programs;

15 (5) the extent to which marine casualty data
16 and information have been used to improve the sur-
17 vivability and habitability of vessels involved in ma-
18 rine casualties; and

19 (6) any changes to current statutes that would
20 clarify Coast Guard responsibilities for marine cas-
21 ualty investigations and report.

22 (c) REPORT TO CONGRESS.—The study, along with
23 its findings and recommendations, shall be provided to the
24 Committee on Transportation and Infrastructure of the
25 House of Representatives and the Committee on Com-

1 merce, Science, and Transportation of the Senate within
2 18 months after entering into a contract with the Insti-
3 tute.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated \$625,000 to carry out the
6 study required by this section.

7 **SEC. 408. CONVEYANCE OF DECOMMISSIONED COAST**
8 **GUARD CUTTER MACKINAW.**

9 (a) IN GENERAL.—Upon the scheduled decommis-
10 sioning of the Coast Guard Cutter MACKINAW, the Com-
11 mandant of the Coast Guard shall convey all right, title,
12 and interest of the United States in and to that vessel
13 to the City and County of Cheboygan, Michigan, without
14 consideration, if—

15 (1) the recipient agrees—

16 (A) to use the vessel for purposes of a mu-
17 seum;

18 (B) not to use the vessel for commercial
19 transportation purposes;

20 (C) to make the vessel available to the
21 United States Government if needed for use by
22 the Commandant in time of war or a national
23 emergency; and

24 (D) to hold the Government harmless for
25 any claims arising from exposure to hazardous

1 materials, including asbestos and poly-
2 chlorinated biphenyls (PCBs), after conveyance
3 of the vessel, except for claims arising from the
4 use by the Government under subparagraph
5 (C);

6 (2) the recipient has funds available that will be
7 committed to operate and maintain the vessel con-
8 veyed in good working condition, in the form of
9 cash, liquid assets, or a written loan commitment,
10 and in an amount of at least \$700,000; and

11 (3) the recipient agrees to any other conditions
12 the Commandant considers appropriate.

13 (b) MAINTENANCE AND DELIVERY OF VESSEL.—
14 Prior to conveyance of the vessel under this section, the
15 Commandant shall, to the extent practical, and subject to
16 other Coast Guard mission requirements, make every ef-
17 fort to maintain the integrity of the vessel and its equip-
18 ment until the time of delivery. If a conveyance is made
19 under this section, the Commandant shall deliver the ves-
20 sel at the place where the vessel is located, in its present
21 condition, and without cost to the Government. The con-
22 veyance of the vessel under this section shall not be consid-
23 ered a distribution in commerce for purposes of section
24 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

1 (c) OTHER EXCESS EQUIPMENT.—The Commandant
2 may convey to the recipient any excess equipment or parts
3 from other decommissioned Coast Guard vessels for use
4 to enhance the vessel’s operability and function for pur-
5 poses of a museum.

6 **SEC. 409. DEEPWATER IMPLEMENTATION REPORT.**

7 Within 30 days after the date of the enactment of
8 this Act, the Secretary of the department in which the
9 Coast Guard is operating shall submit to the Committee
10 on Transportation and Infrastructure of the House of
11 Representatives and the Committee on Commerce,
12 Science, and Transportation of the Senate a report on the
13 implementation of the Integrated Deepwater Program
14 that includes—

15 (1) a complete timeline for the acquisition of
16 each new Deepwater asset and the phase-out of leg-
17 acy assets for the life of such program;

18 (2) a projection of the remaining operational
19 lifespan of each legacy asset;

20 (3) a detailed justification for each modification
21 in each Integrated Deepwater Program asset that
22 fulfills the revised mission needs statement for the
23 program; and

1 (4) a total cost of the program that aligns with
2 the revised mission needs statement for the pro-
3 gram.

4 **SEC. 410. HELICOPTERS.**

5 (a) IN GENERAL.—The Secretary of the department
6 in which the Coast Guard is operating may in accordance
7 with this section acquire or lease up to four previously
8 used HH–65 helicopters or airframes (or any combination
9 thereof) that were not under the administrative control of
10 the Coast Guard on January 1, 2005.

11 (b) DETERMINATION AND CERTIFICATION.—The
12 Secretary shall not acquire or lease any previously used
13 HH–65 helicopters or airframes under subsection (a),
14 until the end of the 90-day period beginning on the date
15 the Secretary notifies the Committee on Transportation
16 and Infrastructure of the House of Representatives and
17 the Committee on Commerce, Science, and Transportation
18 of the Senate that the Secretary has—

19 (1) determined that acquiring or leasing such
20 previously used helicopters or airframes, and making
21 any modifications to such helicopters or airframes
22 that are needed to ensure those helicopters and air-
23 frames meet the design, construction, and equipment
24 standards that apply to H–65 helicopters under the
25 administrative control of the Coast Guard on May

1 18, 2005, is more cost-effective than acquiring or
2 leasing an equal number of MH-68 helicopters; and
3 (2) certified that the helicopters and airframes
4 will meet all applicable Coast Guard safety require-
5 ments.

6 **SEC. 411. REPORTS FROM MORTGAGEES OF VESSELS.**

7 Section 12120 of title 46, United States Code, is
8 amended by striking “owners, masters, and charterers”
9 and inserting “owners, masters, charterers, and mortga-
10 gees”.

11 **SEC. 412. NEWTOWN CREEK, NEW YORK CITY, NEW YORK.**

12 (a) STUDY.—Of the amounts provided under section
13 1012 of the Oil Pollution Act of 1990, the Coast Guard
14 shall conduct a study of public health and safety concerns
15 related to the pollution of Newtown Creek, New York City,
16 New York, caused by seepage of oil into Newtown Creek
17 from 17,000,000 gallons of underground oil spills in
18 Greenpoint, Brooklyn, New York.

19 (b) REPORT.—Not later than 1 year after the date
20 of enactment of this Act, the Coast Guard shall transmit
21 to Congress a report containing the results of the study.

22 **SEC. 413. DETERMINATION OF THE SECRETARY.**

23 Section 70105(c) of title 46, United States Code, is
24 amended—

1 (1) in paragraph (3) by inserting before the pe-
2 riod “before an administrative law judge”; and

3 (2) by adding at the end the following:

4 “(5) In making a determination under paragraph
5 (1)(D), the Secretary shall not consider a felony conviction
6 that occurred more than 7 years prior to the date of the
7 Secretary’s determination.”.

8 **SEC. 414. REPORT ON TECHNOLOGIES.**

9 Not later than 180 days after the date of the enact-
10 ment of this Act, the Commandant of the Coast Guard
11 shall submit a report to the Committee on Transportation
12 and Infrastructure of the House of Representatives and
13 the Committee on Commerce, Science, and Transportation
14 of the Senate that includes an assessment of—

15 (1) the availability and effectiveness of tech-
16 nologies that evaluate and identify inbound vessels
17 and their cargo for potential threats before they
18 reach United States ports, including technologies al-
19 ready tested or in testing at joint operating centers;
20 and

21 (2) the costs associated with implementing such
22 technology at all United States ports.

23 **SEC. 415. MOVEMENT OF ANCHORS.**

24 Section 12105 of title 46, United States Code, is
25 amended by adding at the end the following:

1 “(c) Only a vessel for which a certificate of docu-
 2 mentation with a registry endorsement is issued may be
 3 employed in the setting or moving of the anchors or other
 4 mooring equipment of a mobile offshore drilling unit that
 5 is located above or on the outer Continental Shelf of the
 6 United States (as that term is defined in section 2(a) of
 7 the Outer Continental Shelf Lands Act (43 U.S.C.
 8 1331(a)).”.

9 **SEC. 416. INTERNATIONAL TONNAGE MEASUREMENT OF**
 10 **VESSELS ENGAGED IN THE ALEUTIAN TRADE.**

11 (a) GENERAL INSPECTION EXEMPTION.—Section
 12 3302(c)(2) of title 46, United States Code, is amended
 13 to read as follows:

14 “(2) Except as provided in paragraphs (3) and (4)
 15 of this subsection, the following fish tender vessels are ex-
 16 empt from section 3301(1), (6), (7), (11), and (12) of this
 17 title:

18 “(A) A vessel of not more than 500 gross tons
 19 as measured under section 14502 of this title or an
 20 alternate tonnage measured under section 14302 of
 21 this title as prescribed by the Secretary under sec-
 22 tion 14104 of this title.

23 “(B) A vessel engaged in the Aleutian trade
 24 that is not more than 2,500 gross tons as measured
 25 under section 14302 of this title.”.

1 (b) OTHER INSPECTION EXEMPTION AND WATCH
2 REQUIREMENT.—Paragraphs (3)(B) and (4) of section
3 3302(c) of that title and section 8104 (o) of that title are
4 each amended by striking “or an alternate tonnage meas-
5 ured under section 14302 of this title as prescribed by
6 the Secretary under section 14104 of this title” and in-
7 serting “or less than 500 gross tons as measured under
8 section 14502 of this title, or is less than 2,500 gross tons
9 as measured under section 14302 of this title”.

10 **SEC. 417. ASSESSMENT AND PLANNING.**

11 There is authorized to be appropriated to the Coast
12 Guard \$400,000 to carry out an assessment of and plan-
13 ning for the impact of an Arctic Sea Route on the indige-
14 nous people of Alaska.

15 **SEC. 418. HOMEPORT.**

16 Subject to the availability of appropriations, the Com-
17 mandant of the Coast Guard shall homeport the Coast
18 Guard cutter HEALY in Anchorage, Alaska.

19 **SEC. 419. OPINIONS REGARDING WHETHER CERTAIN FA-**
20 **CILITIES CREATE OBSTRUCTIONS TO NAVI-**
21 **GATION.**

22 In any case in which a person requests the Secretary
23 of the Army to take action to permit a wind energy facility
24 under the authority of section 10 of the Act of March 3,
25 1899 (33 U.S.C. 403), the Commandant of the Coast

1 Guard shall provide an opinion in writing that states
2 whether the proposed facility would create an obstruction
3 to navigation.

4 **SEC. 420. TEMPORARY AUTHORIZATION TO EXTEND THE**
5 **DURATION OF LICENSES, CERTIFICATES OF**
6 **REGISTRY, AND MERCHANT MARINERS' DOC-**
7 **UMENTS.**

8 (a) LICENSES AND CERTIFICATES OF REGISTRY.—
9 Notwithstanding sections 7106 and 7107 of title 46,
10 United States Code, the Secretary of the department in
11 which the Coast Guard is operating may temporarily ex-
12 tend the duration of a license or certificate of registry
13 issued for an individual under chapter 71 of that title for
14 up to one year, if—

15 (1) the records of the individual are located at
16 the Coast Guard facility in New Orleans that was
17 damaged by Hurricane Katrina; or

18 (2) the individual is a resident of Alabama,
19 Mississippi, or Louisiana.

20 (b) MERCHANT MARINERS' DOCUMENTS.—Notwith-
21 standing section 7302(g) of title 46, United States Code,
22 the Secretary of the department in which the Coast Guard
23 is operating may temporarily extend the duration of a
24 merchant mariners' document issued for an individual
25 under chapter 73 of that title for up to one year, if—

1 (1) the records of the individual are located at
2 the Coast Guard facility in New Orleans that was
3 damaged by Hurricane Katrina; or

4 (2) the individual is a resident of Alabama,
5 Mississippi, or Louisiana.

6 (c) MANNER OF EXTENSION.—Any extensions grant-
7 ed under this section may be granted to individual seamen
8 or a specifically identified group of seamen.

9 (d) EXPIRATION OF AUTHORITY.—The authorities
10 provided under this section expire on December 31, 2006.

11 **SEC. 421. TEMPORARY AUTHORIZATION TO EXTEND THE**
12 **DURATION OF VESSEL CERTIFICATES OF IN-**
13 **SPECTION.**

14 (a) AUTHORITY TO EXTEND.—Notwithstanding sec-
15 tion 3307 and 3711(b) of title 46, United States Code,
16 the Secretary of the department in which the Coast Guard
17 is operating may temporarily extend the duration or the
18 validity of a certificate of inspection or a certificate of
19 compliance issued under chapter 33 or 37, respectively,
20 of title 46, United States Code, for up to 6 months for
21 a vessel inspected by a Coast Guard Marine Safety Office
22 located in Alabama, Mississippi, or Louisiana.

23 (b) EXPIRATION OF AUTHORITY.—The authority
24 provided under this section expires on December 31, 2006.

1 **SEC. 422. TEMPORARY CENTER FOR PROCESSING OF FOR**
2 **LICENSES, CERTIFICATES OF REGISTRY, AND**
3 **MERCHANT MARINERS' DOCUMENTS.**

4 (a) IN GENERAL.—Not later than October 15, 2005,
5 the Commandant of the Coast Guard shall establish a tem-
6 porary facility in Baton Rouge, Louisiana, that is suffi-
7 cient to process applications for new licenses, certificate
8 of registries, and merchant mariners' documents under
9 chapters 71 or 73 of title 46, United States Code. This
10 requirement expires on December 31, 2006.

11 (b) TERMINATION OF REQUIREMENT.—The Com-
12 mandant is not required to maintain such facility after
13 December 31, 2006.

14 **SEC. 423. DETERMINATION OF NAVIGATIONAL IMPACT.**

15 In any case in which a person requests the Secretary
16 of the Army to take action under the authority of section
17 10 of the Act of March 3, 1899, popularly known as the
18 Rivers and Harbors Appropriations Act of 1899 (chapter
19 425; 33 U.S.C. 403), the Commandant of the Coast Guard
20 shall provide to the Secretary an opinion in writing that
21 states whether the proposed structure or activity would
22 create an obstruction to navigation.

23 **SEC. 424. PORT RICHMOND.**

24 The Secretary of the department in which the Coast
25 Guard is operating acting through the Commandant of the
26 Coast Guard may not approve the security plan under sec-

tion 70103(c) of title 46, United States Code, for a liquefied natural gas import facility at Port Richmond in Philadelphia, Pennsylvania, until the Secretary conducts a vulnerability assessment under section 70102(b) of such title.

SEC. 425. CITIZENSHIP AND NAVAL RESERVE REQUIREMENTS.

Section 8103(b) of title 46, United States Code, is amended by adding the following paragraph at the end of that subsection:

“(4) Paragraph (1) of this subsection and section 8701 of this title do not apply to individuals transported on international voyages who are not part of the crew complement required under section 8101 or a member of the Stewards department, and do not perform watchstanding functions. However, such individuals must possess a transportation security card issued under section 70105 of this title, when required.’’

SEC. 426. ELIGIBILITY TO PARTICIPATE IN WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.

(a) TREATMENT OF SECRETARY APPROVAL.—

(1) IN GENERAL.—Approval by the Secretary of Commerce of a community development plan, or an amendment thereof, shall not be considered a major

1 Federal action for purposes of section 102(2) of
2 Public Law 91–190 (42 U.S.C. 4332(2)).

3 (2) DEFINITION.—(A) In this subsection, the
4 term “community development plan” means a plan,
5 prepared by a community development quota group
6 for the western Alaska community development
7 quota program under section 305(i) of the Magnu-
8 son-Stevens Fishery Conservation and Management
9 Act (16 U.S.C. 1855(i)), that describes how the
10 group intends to—

11 (i) harvest its share of fishery resources al-
12 located to the program; and

13 (ii) use the harvest opportunity, and any
14 revenue derived from such use, to assist com-
15 munities that are members of the group with
16 projects to advance economic development.

17 (B) In this subsection, no plan that allocates
18 fishery resources to the western Alaska community
19 development quota program under section 305(i) of
20 the Magnuson-Stevens Fishery Conservation and
21 Management Act (16 U.S.C. 1855(i)) is a “commu-
22 nity development plan”.

23 **SEC. 427. QUOTA SHARE ALLOCATION.**

24 (a) IN GENERAL.—The Voluntary Three-Pie Cooper-
25 ative Program for crab fisheries of the Bering Sea and

1 Aleutian Islands implemented under section 801 of title
2 VIII of division B of Public Law 108–199 is amended to
3 require that—

4 (1) Blue Dutch, LLC, shall receive crab proc-
5 essing quota shares equal to 1.5 percent of the total
6 allowable catch for each of the following fisheries:
7 the Bristol Bay red king crab fishery and the Bering
8 Sea C. opilio crab fishery; and

9 (2) the Program implementing regulations shall
10 be adjusted so that the total of all crab processing
11 quota shares for each fishery referred to in para-
12 graph (1), including the amount specified in para-
13 graph (1), equals 90 percent of the total allowable
14 catch.

15 (b) APPLICABILITY.—Subsection (a) shall apply, with
16 respect to each fishery referred to in subsection (a)(1),
17 whenever the total allowable catch for that fishery is more
18 than 2 percent higher than the total allowable catch for
19 that fishery during calendar year 2005.

20 **SEC. 428. ACQUISITION OF MARITIME REFUELING SUP-**
21 **PORT VESSEL FOR UNITED STATES DRUG**
22 **INTERDICTION EFFORTS IN THE EASTERN**
23 **PACIFIC MARITIME TRANSIT ZONE.**

24 There are authorized to be appropriated \$25,000,000
25 for fiscal year 2006 and \$25,000,000 for fiscal year 2007

1 for the Bureau for International Narcotics and Law En-
 2 forcement Affairs (INL) of the Department of State to
 3 purchase or lease a maritime refueling support vessel that
 4 is capable of refueling public vessels (as that term is de-
 5 fined in section 30101(3) of title 46, United States Code),
 6 and allied warships and vessels employed in support of
 7 United States drug interdiction duties in the Eastern Pa-
 8 cific maritime transit zone.

9 **SEC. 429. VOYAGE DATA RECORDER REQUIREMENTS.**

10 (a) AUTHORITY TO PRESCRIBE REGULATIONS.—
 11 Chapter 35 of title 46, United States Code, is amended
 12 by adding at the end the following:

13 **“§ 3507. Voyage data recorders**

14 “(a) The Secretary shall prescribe regulations that
 15 require that a passenger vessel described in section
 16 2101(22)(D) carrying more than 399 passengers shall be
 17 equipped with a voyage data recorder approved in accord-
 18 ance with the regulations.

19 “(b) Regulations prescribed under subsection (a)
 20 shall establish—

21 “(1) standards for voyage data recorders re-
 22 quired under the regulations;

23 “(2) methods for approval of models of voyage
 24 data recorders under the regulations; and

1 “(3) procedures for annual performance testing
2 of voyage data recorders required under the regula-
3 tions.

4 “(c) To implement this section and regulations pre-
5 scribed under this section there is authorized to be appro-
6 priated to the Secretary \$1,500,000 each fiscal year.”.

7 (b) DEADLINE FOR REGULATIONS.—The Secretary
8 (as that term is used in chapter 35 of title 46, United
9 States Code) shall initiate the prescribing of regulations
10 under section 3507(a) of title 46, United States Code, as
11 amended by this section, by not later than 6 months after
12 the date of the enactment of this Act.

13 (c) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of chapter 35 of title 46, United States
15 Code, is amended by adding at the end the following:

“3507. Voyage data recorders.”.

16 **TITLE V—LIGHTHOUSES**

17 **SEC. 501. TRANSFER.**

18 (a) JURISDICTIONAL TRANSFERS.—Administrative
19 jurisdiction over the following National Forest System
20 lands in the State of Alaska upon which are located any
21 of the Coast Guard facilities described in subsection (b),
22 and over improvements situated on such lands, is hereby
23 transferred, without requirement for consideration, from
24 the Secretary of Agriculture to the Secretary of the de-
25 partment in which the Coast Guard is operating.

1 (b) FACILITIES DESCRIBED.—The facilities described
2 in subsection (a) are the following:

3 (1) GUARD ISLAND LIGHT STATION.—That area
4 described in the Guard Island Lighthouse reserve
5 dated January 4, 1901, comprising approximately
6 8.0 acres of National Forest uplands.

7 (2) ELDRED ROCK LIGHT STATION.—That area
8 described in the December 30, 1975, listing on the
9 National Register of Historic Places, comprising ap-
10 proximately 2.4 acres.

11 (3) MARY ISLAND LIGHT STATION.—That area
12 described as the remaining National Forest System
13 uplands within the Mary Island Lighthouse Reserve
14 dated January 4, 1901, as amended by Public Land
15 Order 6964, dated April 5, 1993, comprising ap-
16 proximately 1.07 acres.

17 (4) CAPE HINCHINBROOK LIGHT STATION.—
18 That area described in the November 1, 1957, sur-
19 vey prepared for the Coast Guard, comprising ap-
20 proximately 57.4 acres.

21 (c) MAPS.—

22 (1) REQUIREMENT TO PREPARE.—The Com-
23 mandant of the Coast Guard, in consultation with
24 the Secretary of Agriculture, shall prepare and
25 maintain maps of the lands transferred by sub-

1 section (a), and such maps shall be on file and avail-
2 able for public inspection in the Coast Guard Dis-
3 trict 17 office in Juneau, Alaska.

4 (2) CORRECTIONS AND MODIFICATIONS.—In
5 preparing such maps, the Commandant of the Coast
6 Guard, with the approval of the Secretary of Agri-
7 culture, may make corrections and minor modifica-
8 tions to the lands described or depicted to facilitate
9 Federal land management. Such maps, as so cor-
10 rected or modified, shall have the same effect as if
11 enacted in this section.

12 (d) EFFECT OF TRANSFER.—The lands transferred
13 to the Secretary of the department in which the Coast
14 Guard is operating under subsection (a)—

15 (1) shall be administered by the Commandant
16 of the Coast Guard;

17 (2) shall be deemed transferred from and no
18 longer part of the National Forest System; and

19 (3) shall be considered not suitable for return
20 to the public domain for disposition under the gen-
21 eral public land laws.

22 (e) TRANSFER OF LAND.—

23 (1) REQUIREMENT.—Subject to paragraph (2),
24 the Administrator of General Services, upon request
25 by the Secretary of Agriculture, shall transfer to the

1 Secretary of Agriculture, without consideration, any
 2 land identified in subsection (b), together with the
 3 improvements thereon, for administration under the
 4 laws pertaining to the National Forest System, if—

5 (A) the Secretary of the Interior cannot
 6 identify and select an eligible entity in accord-
 7 ance with section 308(b)(2) of the National
 8 Historic Preservation Act (16 U.S.C. 470w-
 9 7(b)(2)) within 3 years after the date the Sec-
 10 retary of the department in which the Coast
 11 Guard is operating determines that the land is
 12 excess property, as that term is defined in sec-
 13 tion 102(3) of title 40, United States Code; or

14 (B) the land reverts to the United States
 15 pursuant to section 308(c)(3) of the National
 16 Historic Preservation Act (16 U.S.C. 470w-
 17 7(c)(3)).

18 (2) RESERVATIONS FOR AIDS TO NAVIGA-
 19 TION.—Any action taken under this subsection by
 20 the Administrator of General Services shall be sub-
 21 ject to any rights that may be reserved by the Com-
 22 mandant of the Coast Guard for the operation and
 23 maintenance of Federal aids to navigation.

24 (f) NOTIFICATION; DISPOSAL OF LANDS BY THE AD-
 25 MINISTRATOR.—The Administrator of General Services

1 shall promptly notify the Secretary of Agriculture upon
 2 the occurrence of any of the events described in subpara-
 3 graphs (A) and (B) of subsection (e)(1). If the Secretary
 4 of Agriculture does not request a transfer as provided for
 5 in subsection (e) within 90 days after receiving such notifi-
 6 cation from the Administrator, the Administrator may dis-
 7 pose of the property in accordance with section 309 of the
 8 National Historic Preservation Act (16 U.S.C. 470w-8)
 9 or other applicable surplus real property disposal author-
 10 ity.

11 (g) PRIORITY.—In selecting an eligible entity to
 12 which to convey, under section 308(b) of the National His-
 13 toric Preservation Act (16 U.S.C. 470w-7(b)), land re-
 14 ferred to in subsection (b), the Secretary of the Interior
 15 shall give priority to any eligible entity, as defined in sec-
 16 tion 308(e) of that Act (16 U.S.C. 470w-7(e)) that is the
 17 local government of the community in which the land is
 18 located.

19 **SEC. 502. MISTY FIORDS NATIONAL MONUMENT AND WIL-**
 20 **DERNESS.**

21 (a) REQUIREMENT TO TRANSFER.—Notwithstanding
 22 section 308(b) of the National Historic Preservation Act
 23 (16 U.S.C. 470w-7(b)), if the Secretary of the department
 24 in which the Coast Guard is operating determines that the
 25 Tree Point Light Station is no longer needed for the pur-

1 poses of the Coast Guard, the Secretary shall transfer to
2 the Secretary of Agriculture all administrative jurisdiction
3 over the Tree Point Light Station, without consideration.

4 (b) EFFECTUATION OF TRANSFER.—A transfer
5 under this subsection shall be effectuated by a letter from
6 the Secretary of the department in which the Coast Guard
7 is operating to the Secretary of Agriculture and, except
8 as provided in subsection (g), without any further require-
9 ments for administrative or environmental analyses or ex-
10 amination. Such transfer shall not be considered a convey-
11 ance to an eligible entity pursuant to section 308(b) of
12 the National Historic Preservation Act (16 U.S.C. 470w–
13 7(b)).

14 (c) RESERVATION FOR AIDS TO NAVIGATION.—As
15 part of any transfer pursuant to this subsection, the Com-
16 mandant of the Coast Guard may reserve rights to operate
17 and maintain Federal aids to navigation at the site.

18 (d) EASEMENTS AND SPECIAL USE AUTHORIZA-
19 TIONS.—Notwithstanding any other provision of law, in-
20 cluding the Wilderness Act (16 U.S.C. 1131), and section
21 703 of the Alaska National Interests Lands Conservation
22 Act (94 Stat. 2418; 16 U.S.C. 1132 note), with respect
23 to the property transferred under this subsection, the Sec-
24 retary of Agriculture—

1 (1) may identify an eligible entity to be granted
2 an easement or other special use authorization and,
3 in doing so, the Secretary of Agriculture may con-
4 sult with the Secretary of the Interior concerning
5 the application of policies for eligible entities devel-
6 oped pursuant to subsection 308(b)(1) of the Na-
7 tional Historic Preservation Act (16 U.S.C. 470w-
8 7(b)(1)); and

9 (2) may grant an easement or other special use
10 authorization to an eligible entity, for no consider-
11 ation, to approximately 31 acres as described in the
12 map entitled “Tree Point Light Station,” dated Sep-
13 tember 24, 2004, on terms and conditions that pro-
14 vide for—

15 (A) maintenance and preservation of the
16 structures and improvements;

17 (B) the protection of wilderness and Na-
18 tional Monument resources;

19 (C) public safety; and

20 (D) such other terms and conditions
21 deemed appropriate by the Secretary of Agri-
22 culture.

23 (e) ACTIONS FOLLOWING TERMINATION OR REVOCATION.—In the event that no eligible entity is identified
24 within 3 years after administrative jurisdiction is trans-
25

ferred to the Secretary of Agriculture pursuant to this subsection, or the easement or other special use authorization granted pursuant to subsection (d) is terminated or revoked, the Secretary of Agriculture may take such actions as are authorized by subsection 110(b) of the National Historic Preservation Act (16 U.S.C. 470h-2(b)).

(f) REVOCATION OF WITHDRAWALS AND RESERVATIONS.—Effective on the date of transfer of lands as provided in this subsection, the following public land withdrawals or reservations for light station and lighthouse purposes on lands in Alaska are revoked as to the lands transferred:

(1) The unnumbered Executive order dated January 4, 1901, as it affects the Tree Point Light Station site only.

(2) Executive Order No. 4410 dated April 1, 1926, as it affects the Tree Point Light Station site only.

(g) REMEDIATION RESPONSIBILITIES NOT AFFECTED.—Nothing in this section shall affect any responsibilities of the Commandant of the Coast Guard for the remediation of hazardous substances and petroleum contamination at the Tree Point Light Station consistent with existing law and regulations. The Commandant and the Secretary shall execute an agreement to provide for the

1 remediation of the land and structures at the Tree Point
2 Light Station.

3 **SEC. 503. CAPE ST. ELIAS LIGHT STATION.**

4 For purposes of section 416(a)(2) of Public Law
5 105–383, the Cape St. Elias Light Station shall comprise
6 approximately 10 acres in fee, along with additional access
7 easements issued without consideration by the Secretary
8 of Agriculture, as generally described in the map entitled
9 “Cape St. Elias Light Station,” dated September 14,
10 2004. The Secretary of the department in which the Coast
11 Guard is operating shall keep such map on file and avail-
12 able for public inspection.

13 **SEC. 504. INCLUSION OF LIGHTHOUSE IN ST. MARKS NA-**
14 **TIONAL WILDLIFE REFUGE, FLORIDA.**

15 (a) REVOCATION OF EXECUTIVE ORDER DATED NO-
16 VEMBER 12, 1838.—Any reservation of public land de-
17 scribed in subsection (b) for lighthouse purposes by the
18 Executive order dated November 12, 1838, as amended
19 by Public Land Order 5655, dated January 9, 1979, is
20 revoked.

21 (b) DESCRIPTION OF LAND.—The public land re-
22 ferred to in subsection (a) consists of approximately 8.0
23 acres within the external boundaries of St. Marks National
24 Wildlife Refuge in Wakulla County, Florida, that is east
25 of the Tallahassee Meridian, Florida, in Township 5

1 South, Range 1 East, Section 1 (fractional) and con-
2 taining all that remaining portion of the unsurveyed frac-
3 tional section, more particularly described as follows: A
4 parcel of land, including submerged areas, beginning at
5 a point which marks the center of the light structure,
6 thence due North (magnetic) a distance of 350 feet to the
7 point of beginning a strip of land 500 feet in width, the
8 axial centerline of which runs from the point of beginning
9 due South (magnetic) a distance of 700 feet, more or less,
10 to the shoreline of Apalachee Bay, comprising 8.0 acres,
11 more or less, as shown on plat dated January 2, 1902,
12 by Office of L. H. Engineers, 7th and 8th District, Mobile,
13 Alabama.

14 (c) TRANSFER OF ADMINISTRATIVE JURISDIC-
15 TION.—Subject to subsection (f), administrative jurisdic-
16 tion over the public land described in subsection (b), and
17 over all improvements, structures, and fixtures located
18 thereon, is transferred from the department in which the
19 Coast Guard is operating to the Secretary of the Interior,
20 without reimbursement.

21 (d) RESPONSIBILITY FOR ENVIRONMENTAL RE-
22 SPONSE ACTIONS.—The Coast Guard shall have sole re-
23 sponsibility in the Federal Government to fund and con-
24 duct any response action required under any applicable

1 Federal or State law or implementing regulation to ad-
2 dress—

3 (1) a release or threatened release on public
4 land referred to in subsection (b) of any hazardous
5 substance, pollutant, contaminant, petroleum, or pe-
6 troleum product or derivative that is located on such
7 land on the date of the enactment of this Act; or

8 (2) any other release or threatened release on
9 public land referred to in subsection (b) of any haz-
10 ardous substance, pollutant, contaminant, petroleum,
11 or petroleum product or derivative, that results from
12 any Coast Guard activity occurring after the date of
13 the enactment of this Act.

14 (e) INCLUSION IN REFUGE.—

15 (1) INCLUSION.—The public land described in
16 subsection (b) shall be part of St. Marks National
17 Wildlife Refuge.

18 (2) ADMINISTRATION.—Subject to this sub-
19 section, the Secretary of the Interior shall admin-
20 ister the public land described in subsection (b)—

21 (A) through the Director of the United
22 States Fish and Wildlife Service; and

23 (B) in accordance with the National Wild-
24 life Refuge System Administration Act of 1966
25 (16 U.S.C. 668dd et seq.) and such other laws

1 as apply to Federal real property under the sole
2 jurisdiction of the United States Fish and Wild-
3 life Service.

4 (f) MAINTENANCE OF NAVIGATION FUNCTIONS.—

5 The transfer under subsection (c), and the administration
6 of the public land described in subsection (b), shall be sub-
7 ject to such conditions and restrictions as the Secretary
8 of the department in which the Coast Guard is operating
9 considers necessary to ensure that—

10 (1) the Federal aids to navigation located at St.
11 Marks National Wildlife Refuge continue to be oper-
12 ated and maintained by the Coast Guard for as long
13 as they are needed for navigational purposes;

14 (2) the Coast Guard may remove, replace, or
15 install any Federal aid to navigation at the St.
16 Marks National Wildlife Refuge as may be necessary
17 for navigational purposes;

18 (3) the United States Fish and Wildlife Service
19 will not interfere or allow interference in any man-
20 ner with any Federal aid to navigation, nor hinder
21 activities required for the operation and maintenance
22 of any Federal aid to navigation, without express
23 written approval by the Secretary of the department
24 in which the Coast Guard is operating; and

(4) the Coast Guard may, at any time, enter the St. Marks National Wildlife Refuge, without notice, for purposes of operating, maintaining, and inspecting any Federal aid to navigation and ensuring compliance with this subsection, to the extent that it is not possible to provide advance notice.

TITLE VI—RESPONSE

SEC. 601. SHORT TITLE.

This title may be cited as the “Delaware River Protection Act of 2005”.

SEC. 602. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following:

“SEC. 15. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

“(a) REQUIREMENT.—As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (chapter 425; 33

1 U.S.C. 403), such person shall notify the Secretary and
 2 the Secretary of the Army of such release.

3 “(b) RESTRICTION ON USE OF NOTIFICATION.—Any
 4 notification provided by an individual in accordance with
 5 subsection (a) shall not be used against such individual
 6 in any criminal case, except a prosecution for perjury or
 7 for giving a false statement.”.

8 **SEC. 603. LIMITS ON LIABILITY.**

9 (a) ADJUSTMENT OF LIABILITY LIMITS.—

10 (1) TANK VESSELS.—Section 1004(a)(1) of the
 11 Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is
 12 amended—

13 (A) by redesignating subparagraph (B) as
 14 subparagraph (C);

15 (B) by striking subparagraph (A) and in-
 16 serting the following:

17 “(A) with respect to a single-hull vessel,
 18 including a single-hull vessel fitted with double
 19 sides only or a double bottom only—

20 “(i) \$1,550 per gross ton for an inci-
 21 dent that occurs in 2005;

22 “(ii) \$1,900 per gross ton for an inci-
 23 dent that occurs in 2006; or

1 “(iii) \$2,250 per gross ton for an inci-
 2 dent that occurs in 2007 or in any year
 3 thereafter; or

4 “(B) with respect to a double-hull vessel
 5 (other than any vessel referred to in subpara-
 6 graph (A))—

7 “(i) \$1,350 per gross ton for an inci-
 8 dent that occurs in 2005;

9 “(ii) \$1,500 per gross ton for an inci-
 10 dent that occurs in 2006; and

11 “(iii) \$1,700 per gross ton for any in-
 12 cident that occurs in 2007 or in any year
 13 thereafter; or”; and

14 (C) in subparagraph (C), as redesignated
 15 by subparagraph (A) of this paragraph—

16 (i) in clause (i) by striking
 17 “\$10,000,000” and inserting
 18 “\$14,000,000”; and

19 (ii) in clause (ii) by striking
 20 “\$2,000,000” and inserting “\$2,500,000”.

21 (2) LIMITATION ON APPLICATION.—In the case
 22 of an incident occurring before the date of the enact-
 23 ment of this Act, section 1004(a)(1) of the Oil Pol-
 24 lution Act of 1990 (33 U.S.C. 2704(a)(1)) shall

1 apply as in effect immediately before the effective
2 date of this subsection.

3 (b) ADJUSTMENT TO REFLECT CONSUMER PRICE
4 INDEX.—Section 1004(d)(4) of the Oil Pollution Act of
5 1990 (33 U.S.C. 2704(d)(4)) is amended to read as fol-
6 lows:

7 “(4) ADJUSTMENT TO REFLECT CONSUMER
8 PRICE INDEX.—The President shall, by regulations
9 issued no later than 3 years after the date of the en-
10 actment of the Delaware River Protection Act of
11 2005 and no less than every 3 years thereafter, ad-
12 just the limits on liability specified in subsection (a)
13 to reflect significant increases in the Consumer Price
14 Index.”.

15 **SEC. 604. REQUIREMENT TO UPDATE PHILADELPHIA AREA**
16 **CONTINGENCY PLAN.**

17 The Philadelphia Area Committee established under
18 section 311(j)(4) of the Federal Water Pollution Control
19 Act (33 U.S.C. 1321(j)(4)) shall, by not later than 12
20 months after the date of the enactment of this Act and
21 not less than annually thereafter, review and revise the
22 Philadelphia Area Contingency Plan to include available
23 data and biological information on environmentally sen-
24 sitive areas of the Delaware River and Delaware Bay that
25 has been collected by Federal and State surveys.

1 **SEC. 605. SUBMERGED OIL REMOVAL.**

2 (a) AMENDMENTS.—Title VII of the Oil Pollution
3 Act of 1990 is amended—

4 (1) in section 7001(c)(4)(B) (33 U.S.C.
5 2761(c)(4)(B)) by striking “RIVERA,” and insert-
6 ing “RIVERA and the T/V ATHOS I;”; and

7 (2) by adding at the end the following:

8 **“SEC. 7002. SUBMERGED OIL PROGRAM.**

9 “(a) PROGRAM.—

10 “(1) ESTABLISHMENT.—The Undersecretary of
11 Commerce for Oceans and Atmosphere, in conjunc-
12 tion with the Commandant of the Coast Guard, shall
13 establish a program to detect, monitor, and evaluate
14 the environmental effects of submerged oil. Such
15 program shall include the following elements:

16 “(A) The development of methods to re-
17 move, disperse or otherwise diminish the per-
18 sistence of submerged oil.

19 “(B) The development of improved models
20 and capacities for predicting the environmental
21 fate, transport, and effects of submerged oil.

22 “(C) The development of techniques to de-
23 tect and monitor submerged oil.

24 “(2) REPORT.—The Secretary of Commerce
25 shall, no later than 3 years after the date of the en-
26 actment of the Delaware River Protection Act of

1 2005, submit to the Committee on Transportation
2 and Infrastructure of the House of Representatives
3 and the Committee on Commerce, Science, and
4 Transportation and the Committee on Environment
5 and Public Works of the Senate a report on the ac-
6 tivities carried out under this subsection and activi-
7 ties proposed to be carried out under this subsection.

8 “(3) FUNDING.—There is authorized to be ap-
9 propriated to the Secretary of Commerce \$1,000,000
10 for each of fiscal years 2006 through 2010 to carry
11 out this subsection.

12 “(b) DEMONSTRATION PROJECT.—

13 “(1) REMOVAL OF SUBMERGED OIL.—The
14 Commandant of the Coast Guard, in conjunction
15 with the Undersecretary of Commerce for Oceans
16 and Atmosphere, shall conduct a demonstration
17 project for the purpose of developing and dem-
18 onstrating technologies and management practices to
19 remove submerged oil from the Delaware River and
20 other navigable waters.

21 “(2) FUNDING.—There is authorized to be ap-
22 propriated to the Commandant of the Coast Guard
23 \$2,000,000 for each of fiscal years 2006 through
24 2010 to carry out this subsection.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 in section 2 of such Act is amended by inserting after the
3 item relating to section 7001 the following:

“Sec. 7002. Submerged oil program.”.

4 **SEC. 606. DELAWARE RIVER AND BAY OIL SPILL ADVISORY**
5 **COMMITTEE.**

6 (a) ESTABLISHMENT.—There is established the Dela-
7 ware River and Bay Oil Spill Advisory Committee (in this
8 section referred to as the “Committee”).

9 (b) FUNCTIONS.—

10 (1) IN GENERAL.—The Committee shall, by not
11 later than 1 year after the date the Commandant of
12 the Coast Guard (in this section referred to as the
13 “Commandant”) completes appointment of the mem-
14 bers of the Committee, make recommendations to
15 the Commandant, the Committee on Transportation
16 and Infrastructure of the House of Representatives,
17 and the Committee on Commerce, Science, and
18 Transportation of the Senate on methods to improve
19 the prevention of and response to future oil spills in
20 the Delaware River and Delaware Bay.

21 (2) MEETINGS.—The Committee—

22 (A) shall hold its first meeting not later
23 than 60 days after the completion of the ap-
24 pointment of the members of the Committee;
25 and

1 (B) shall meet thereafter at the call of the
2 Chairman.

3 (c) MEMBERSHIP.—The Committee shall consist of
4 15 members who have particular expertise, knowledge, and
5 experience regarding the transportation, equipment, and
6 techniques that are used to ship cargo and to navigate
7 vessels in the Delaware River and Delaware Bay, as fol-
8 lows:

9 (1) Three members who are employed by port
10 authorities that oversee operations on the Delaware
11 River or have been selected to represent these enti-
12 ties, of whom—

13 (A) one member must be an employee or
14 representative of the Port of Wilmington;

15 (B) one member must be an employee or
16 representative of the South Jersey Port Cor-
17 poration; and

18 (C) one member must be an employee or
19 representative of the Philadelphia Regional Port
20 Authority.

21 (2) Two members who represent organizations
22 that operate tugs or barges that utilize the port fa-
23 cilities on the Delaware River and Delaware Bay.

1 (3) Two members who represent shipping com-
2 panies that transport cargo by vessel from ports on
3 the Delaware River and Delaware Bay.

4 (4) Two members who represent operators of oil
5 refineries on the Delaware River and Delaware Bay.

6 (5) Two members who represent environmental
7 and conservation interests.

8 (6) Two members who represent State-licensed
9 pilots who work on the Delaware River and Dela-
10 ware Bay.

11 (7) One member who represents labor organiza-
12 tions that load and unload cargo at ports on the
13 Delaware River and Delaware Bay.

14 (8) One member who represents the general
15 public.

16 (d) APPOINTMENT OF MEMBERS.—The Commandant
17 shall appoint the members of the Committee, after solie-
18 iting nominations by notice published in the Federal Reg-
19 ister.

20 (e) CHAIRMAN AND VICE CHAIRMAN.—The Com-
21 mittee shall elect, by majority vote at its first meeting,
22 one of the members of the Committee as the Chairman
23 and one of the members as the Vice Chairman. The Vice
24 Chairman shall act as Chairman in the absence of or inca-

1 pacity of the Chairman, or in the event of vacancy in the
 2 Office of the Chairman.

3 (f) PAY AND EXPENSES.—

4 (1) PROHIBITION ON PAY.—Members of the
 5 Committee who are not officers or employees of the
 6 United States shall serve without pay. Members of
 7 the Committee who are officers or employees of the
 8 United States shall receive no additional pay on ac-
 9 count of their service on the Committee.

10 (2) EXPENSES.—While away from their homes
 11 or regular places of business, members of the Com-
 12 mittee may be allowed travel expenses, including per
 13 diem, in lieu of subsistence, as authorized by section
 14 5703 of title 5, United States Code.

15 (g) TERMINATION.—The Committee shall terminate
 16 one year after the completion of the appointment of the
 17 members of the Committee.

18 **SEC. 607. MARITIME FIRE AND SAFETY ACTIVITIES.**

19 The Maritime Transportation Security Act of 2002
 20 (Public Law 107–295) is amended—

21 (1) in section 407—

22 (A) in the heading by striking “**LOWER**
 23 **COLUMBIA RIVER**”; and

24 (B) by striking “\$987,400” and inserting
 25 “\$1,500,000”; and

1 (2) in the table of contents in section 1(b) by
2 striking the item relating to section 407 and insert-
3 ing the following:

“Sec. 407. Maritime fire and safety activities.”.

Passed the House of Representatives September 15,
2005.

Attest:

Clerk.